

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TOMMY L. FENLEY, individually and on behalf of all others similarly situated, : Civil Action No.: 2:15-CV-00259-MRH  
Plaintiff, :  
v. : Judge Mark R. Hornak  
APPLIED CONSULTANTS, INC., : ELECTRONICALLY FILED  
Defendant. :  
:

**PLAINTIFF'S UNOPPOSED MOTION FOR  
PRELIMINARY APPROVAL OF THE SETTLEMENT AGREEMENT**

Plaintiff Tommy L. Fenley ("Plaintiff"), through his undersigned counsel, respectfully move this Court for an Order:

1. Granting preliminary approval of the proposed Settlement Agreement and preliminarily approving the allocation formula to the Settlement Class;
2. Provisionally certifying the Class pursuant to FED. R. CIV. P. 23 for the purposes of settlement;
3. Preliminarily appointing Plaintiff Tommy L. Fenley as Representative of the Class;
4. Preliminarily appointing Berger & Montague, P.C. as Class Counsel for the Class;
5. Approving The Angeion Group as Settlement Administrator and preliminarily approving the costs of administration;
6. Approving the plan of notice to the Class Members, including approving the Notices and Telephone Script attached to the Settlement Agreement as Exhibits A-D; and

7. Approving the proposed schedule and procedure for the final approval of this Settlement

This Motion is based on the accompanying Memorandum of Law, the Declarations of Shanon J. Carson in Support of the Plaintiffs' Unopposed Motion for Preliminary Approval of the Settlement Agreement, the attached Exhibits, and all other records, pleadings and papers on file in this action. Defendant does not oppose this Motion.

A proposed Order is submitted for the Court's consideration.

Dated: February 22, 2016

Respectfully submitted,

/s/ Shanon J. Carson  
Shanon J. Carson (PA 85957)  
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*Attorneys for Plaintiff and the Class*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon all counsel of record through the Court's ECF system this 22nd day of February, 2016.

s/ Shanon J. Carson

Shanon J. Carson